

**LEWIS
AND
ROCA
LLP**
LAWYERS

E-Filed on 11/19/07

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John C. Hinderaker AZ State Bar No. 18024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

10 USA CAPITAL REALTY ADVISORS, LLC,

**USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,**

12 USA CAPITAL FIRST TRUST DEED FUND,
13 LLC.

USA SECURITIES, LLC.

Debtors.

Affects:

- All Debtors
 - USA Commercial Mortgage Company
 - USA Capital Realty Advisors, LLC
 - USA Capital Diversified Trust Deed Fund, LLC
 - USA Capital First Trust Deed Fund, LLC
 - USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

**NOTICE OF HEARING REGARDING
FIFTH OMNIBUS OBJECTION OF
USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION WITH
CERTIFICATE OF SERVICE**

Hearing Date: December 20, 2007
Hearing Time: 9:30 a.m.

THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT YOU FILED. THE DEADLINE TO RESPOND TO THE OBJECTION IS DECEMBER 13, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and

LEWIS
AND
ROCA
LLP
LAWYERS

1 through its counsel, has filed an Omnibus Objection to your claim filed in USA
 2 Commercial Mortgage Company, Case No. 06-10725 on the ground that it lacks
 3 supporting documentation. Your Proof of Claim number and other information regarding
 4 your claim is listed on Exhibit A, attached.

5 The USACM Liquidating Trust has requested that this Court enter an order,
 6 disallowing your claim as to USA Commercial Mortgage Company.

7 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
 8 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
 9 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
 10 **December 20, 2007, at the hour of 9:30 a.m.**

11 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
 12 **DECEMBER 20, 2007, WILL BE HELD FOR THE PURPOSE OF STATUS**
 13 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
 14 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

15 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
 16 by **December 13, 2007** pursuant to Local Rule 3007(b), which states:

17 If an objection to a claim is opposed, a written response must be filed and
 18 served on the objecting party at least 5 business days before the scheduled
 19 hearing. A response is deemed sufficient if it states that written
 20 documentation in support of the proof of claim has already been provided to
 the objecting party and that the documentation will be provided at any
 evidentiary hearing or trial on the matter.

21 If you object to the relief requested, you *must* file a **WRITTEN** response to
 22 this pleading with the Court. You *must* also serve your written response on
 the person who sent you this notice.

23 If you do not file a written response with the Court, or if you do not serve
 24 your written response on the person who sent you this notice, then:

- 25 • The Court may *refuse to allow you to speak* at the scheduled hearing;
 26 and

LEWIS
AND
ROCA
LLP
LAWYERS

- 1 • The Court may *rule against you* without formally calling the matter at
2 the hearing.

3 Dated: November 19, 2007.

4
5 **LEWIS AND ROCA LLP**

6 By: /s/ RC (#6593)
7 Susan M. Freeman, AZ 4199 (*pro hac vice*)
8 Rob Charles, NV 6593
9 John C. Hinderaker 18024
10 3993 Howard Hughes Parkway, Suite 600
11 Las Vegas, Nevada 89169-5996
12 Facsimile (702) 949-8321
13 Telephone (702) 949-8320
14 *Counsel for USACM Liquidating Trust*

15 Copy of the foregoing mailed on
16 November 19, 2007 to the Claimants
17 listed on Exhibit A, attached.

18 /s/ Christine E Laurel
19 Lewis and Roca LLP

20
21
22
23
24
25
26